

SENATE BILL 864

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11r2326

By: **Senators Brinkley and Shank**

Introduced and read first time: February 16, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Sheriffs and Deputy Sheriffs – Practice of Law**

3 FOR the purpose of allowing an individual who has been admitted to the Maryland
4 Bar to practice law in one county while employed as a sheriff or deputy sheriff
5 in a different county; and generally relating to the practice of law by sheriffs
6 and deputy sheriffs.

7 BY repealing and reenacting, without amendments,
8 Article – Business Occupations and Professions
9 Section 10–601(a)
10 Annotated Code of Maryland
11 (2010 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article – Business Occupations and Professions
14 Section 10–603
15 Annotated Code of Maryland
16 (2010 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Business Occupations and Professions**

20 10–601.

21 (a) Except as otherwise provided by law, a person may not practice, attempt
22 to practice, or offer to practice law in the State unless admitted to the Bar.

23 10–603.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section does not apply to:

2 (1) a lawyer while employed as a part-time master for juvenile cases;
3 or

4 (2) an individual while:

5 (i) performing an affirmative duty required by law; or

6 (ii) engaging in an activity related to a case in which the
7 individual is a party or has a property interest.

8 (b) Even if an individual has been admitted to the Bar, the individual may
9 not practice law while employed:

10 (1) **[as] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS**
11 **SECTION, AS** a sheriff or deputy sheriff;

12 (2) in a jail or penitentiary, as:

13 (i) a warden or deputy warden; or

14 (ii) a superintendent or deputy superintendent;

15 (3) as a bailiff;

16 (4) as a clerk or deputy clerk of any court or an employee of a clerk;

17 (5) as a register or deputy register of wills or an employee of a register
18 of wills; or

19 (6) as an officer or employee in a juvenile court.

20 **(C) AN INDIVIDUAL WHO HAS BEEN ADMITTED TO THE BAR MAY**
21 **PRACTICE LAW IN A COUNTY DIFFERENT FROM THE COUNTY IN WHICH THE**
22 **INDIVIDUAL IS EMPLOYED AS A SHERIFF OR DEPUTY SHERIFF.**

23 **[(c)] (D)** (1) This subsection does not apply to the settlement of small
24 estates as set forth in Title 5, Subtitle 6 of the Estates and Trusts Article.

25 (2) In Prince George's County, a sheriff, deputy sheriff, warden,
26 deputy warden, clerk, or employee of any court may not prepare or help in the
27 preparation of any form or document that is filed in a court in that county or that
28 affects a case that is or may be filed in a court in that county.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2011.